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PTO/SB/21 (09-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

4

Application Number

09/831,690

Filing Date

November 12, 1999

First Named Inventor

Carson

Art Unit

Examiner Name

Attorney Docket Number

NEU-00115.P.1

### ENCLOSURES (Check all that apply)



Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)



Reply to Missing Parts/  
Incomplete Application



Reply to Missing Parts  
under 37 CFR 1.52 or 1.53



Drawing(s)



Licensing-related Papers



Petition



Petition to Convert to a  
Provisional Application



Power of Attorney, Revocation



Change of Correspondence Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s) \_\_\_\_\_

☐ Landscape Table on CD



After Allowance Communication to TC



Appeal Communication to Board  
of Appeals and Interferences



Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)



Proprietary Information



Status Letter



Other Enclosure(s) (please identify  
below):

#### Remarks

1. Revocation of Prior Powers and Appointment of Power of Attorney;
2. Copy of cover page of court order granting Trustee's Motion to sell assets;
3. Identification of Patent Application in Order; and
4. Postcard

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

David R Preston & Associates

Signature

Printed name

David R Preston

Date

May 5, 2005

Reg. No.

38,710

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

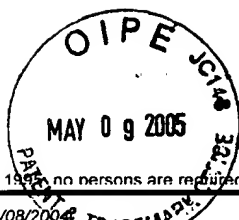
Raymond Wagenknecht

Date

5/5/05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Effective on 12/08/2004  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2005

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

0.00

**Complete if Known**

Application Number	09/831,690
Filing Date	November 12, 1999
First Named Inventor	Carson
Examiner Name	
Art Unit	
Attorney Docket No.	NEU-00115.P.1

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_☒ Deposit Account Deposit Account Number: 501321 Deposit Account Name: David R Preston

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 (including Reissues)

Fee (\$)	Small Entity Fee (\$)
50	25
200	100
360	180

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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- 20 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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- 3 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
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- 100 = \_\_\_\_\_ / 50 = \_\_\_\_\_ (round up to a whole number) x \_\_\_\_\_ = \_\_\_\_\_

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): \_\_\_\_\_

**Fees Paid (\$)****SUBMITTED BY**

Signature

Registration No.  
(Attorney/Agent) 38,710

Telephone 858-724-0375

Name (Print/Type) David R Preston

Date May 5, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Patent  
Attorney Docket No: NEU-00115.P.1

BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: )  
)  
Carson et al. )  
)  
Application Number: 09/831,690 )  
)  
Filed: November 12, 1999 )  
)  
For: GENE EXPRESSION )  
MODULATED BY ACTIVATION )  
OF MICROGLIA OR )  
MACROPHAGES )  
\_\_\_\_\_ )

Commissioner for Patents  
Alexandria, VA 22313-1450

### Revocation of Prior Powers and Appointment of Power of Attorney

Sir:

I, Assignee of the above referenced U.S. Patent Application as shown on the attached:

1. Cover page of the Order On Trustee's Motion to Sell Assets to Neurome, Inc., Free and Clear Of Liens and Encumbrances and Assignment and Assumption of Designated Contracts to Neurome (herein referred to as ORDER); and
2. Identification of the Above referenced U.S. Patent Application included in the ORDER;

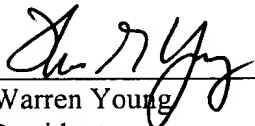
hereby revoke all previous powers and appoint collectively and individually the Attorneys and Agents provided on **CUSTOMER NUMBER 24232**, including David R. Preston (Reg. No. 38,710), to transact all business for the above referenced U.S. Patent Application before the United States Patent and Trademark Office.

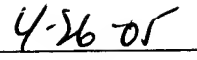
I, further hereby state that the Assets of Digital Gene Technologies, Inc., including the above referenced U.S. Patent Application have been sold and assigned to Neurome, Inc. free and clear of liens and encumbrances according to ORDER.

Please direct all Communications to:

David R Preston  
David R Preston & Associates  
12625 High Bluff Drive  
Suite 205  
San Diego, CA 92130  
Telephone No. 858-724-0375  
Fax No. 858-724-0384

FOR NEUROME, INC.

  
\_\_\_\_\_  
Warren Young  
President

  
\_\_\_\_\_  
Date

CSD 1001A [08/22/03]

Name, Address, Telephone No. & I.D. No.

Gary B. Rudolph, Esq. (#101921)

William P. Fennell, Esq. (#16421)

Yosina M. Lissebeck, Esq. (#20165)

SPARBER RUDOLPH ANNEN, APLC

701 "B" Street, Suite 1000

San Diego, CA 92101

Telephone (619) 239-3600

Attorneys for Gerald H. Davis, Chapter 7 Trustee



Order Entered on  
July 13, 2004  
by Clerk U.S. Bankruptcy Court  
Southern District of California

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA

325 West "F" Street, San Diego, California 92101-6991

In Re

DIGITAL GENE TECHNOLOGIES, INC.  
[Tax Id. No. 33-0674676]

Debtor.

BANKRUPTCY NO. 04-03217-A7

Date of Hearing: July 8, 2004

Time of Hearing: 2:30 pm

Name of Judge: Louise DeCarl Adler

**ORDER ON TRUSTEE'S MOTION TO SELL ASSETS TO NEUROME, INC., FREE AND CLEAR  
OF LIENS AND ENCUMBRANCES AND ASSIGNMENT AND ASSUMPTION OF DESIGNATED  
CONTRACTS TO NEUROME**

IT IS ORDERED THAT the relief sought as set forth on the continuation pages attached and numbered seven  
through (56) with exhibits, if any, for a total of (63) pages, is granted. Motion/Application Docket Entry No. 62

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DATED: **July 13, 2004**

Signature by the attorney constitutes a certification under  
Fed. R. of Bankr. P. 9011 that the relief in the order is the  
relief granted by the court.

Submitted by:

SPARBER RUDOLPH ANNEN

  
Judge, United States Bankruptcy Court

By: /s/William P. Fennell

Attorneys for Gerald H. Davis, Chapter 7 Trustee

Y	OMM 216019-50/ MBHB 98,634-F	09/831,690 Parent: PCT/US99/26824 11/12/1999	National Filing				Caison, Sutcliffe, Almazan, Tobal	Gene Expression Modulated by Activation of Microglia or Macrophages (United States)	Pending
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